IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.76608-M of 2006

DATE OF DECISION: FEBRUARY 9, 2007

Balkaran Singh

...PETITIONER

VERSUS

State of Punjab

...RESPONDENT

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr.S.P.S.Sidhu, Advocate,
for the petitioner.

Mr.N.S.Gill, AAG, Punjab.

...

Petitioner Balkaran Singh apprehending his arrest in a non-bailable offence in case FIR No.99 dated 12.4.2006 registered under Sections 420/406/506 IPC at Police Station City Abohar, Distt.Ferozepur, has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

While issuing notice of motion on December 7, 2006, the arrest of the petitioner was stayed subject to his joining the investigation.

I have heard the counsel for the parties and gone through the contents of the FIR.

Counsel for the petitioner contends that even as per the allegations in the FIR, the complainant was known to the petitioner and when the petitioner was ill, the alleged amount was paid to the petitioner as a loan. In case the said amount is not re-paid, the same does not amount to cheating as there was no false assurance at the initial stage.

Counsel for the petitioner further contends that in terms of the interim order dated December 7, 2006, the petitioner has joined the investigation. This fact has not been disputed by the State counsel and he further on instructions from ASI Surjit Singh states that the petitioner is no more required for further investigation.

In view of the above, the interim order dated December 7, 2006

is made absolute on the same terms and conditions.

Disposed of accordingly.

February 9, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE